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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,093	02/23/2005	Kousuke Tanaka	49677-168	3272
20277 7590 08/07/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
EXAMINER				
SONG, SARAH U				
ART UNIT		PAPER NUMBER		
2874				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,093

Applicant(s)

TANAKA ET AL.

Examiner

Sarah Song

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

3DETAILED ACTION

1. Applicant's communication filed on March 28, 2008 has been carefully considered and placed of record in the file. Claims 1, 5 and 8 are amended. Claims 1-5 and 7-14 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (U.S. Patent 6,148,130 previously relied upon).**

3. Regarding claims 1, 2, 4, 7 and 8, Lee et al. discloses a ribbon-like optical fiber core assembly comprising: a plurality of optical fiber cores 14 arranged planarly, at least one tape layer 24 and 26 for integrating said optical fiber cores into one body, wherein said tape layer has tensile strength higher than adhesive force of said tape layer to said optical fiber cores (thus enabling cable stripping as disclosed). Said tape layer includes a film base and an adhesive layer (adhesive tapes inherently comprise a film base or backing layer, and an adhesive layer), the adhesive layer provided on said optical fiber cores. Said optical fiber cores are compression bonded to the at least one tape layer, and the adhesive layer is interposed between said optical fiber cores and the at least one tape layer. Lee et al. also discloses the method of separating a ribbon-like optical fiber core assembly defined in Claim 1 into single cores, comprising the steps of: bending said optical fiber core assembly to break said plurality of optical fiber cores at a predetermined breaking position; and applying a pulling force on said at least one tape layer in a

direction of detachment from said optical fiber cores to thereby peel said tape layer up to a predetermined position. Lee et al. further discloses gaps formed between said plurality of optical fibers that are adjacent one another. Adhesive layer is interposed in said gaps as a result of compression bonding, after which the optical fiber cores are covered by the at least one film base

74. See Figure 2 and column 3, lines 19-44.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. as applied to claim 1 above, and further in view of Sayegh et al. (U.S. Patent 5,253,318 previously relied upon).**

6. Lee et al. does not expressly disclose the ribbon-like optical fiber core assembly wherein said tape layer has a high flame retardancy.

7. Sayegh et al. discloses an optical fiber ribbon cable wherein the tape layer (jacket) has a high flame retardancy.

8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tape layer of Lee et al. having a high flame retardancy for improved damage resistance from environmental factors.

9. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shahid (U.S. Patent 6,295,400 previously relied upon) in view of Lee et al. (U.S. Patent 5,611,017).**

10. Regarding claim 5, Shahid discloses a film for tape core assembly comprising: a flexible film 2 or 3 capable of integrating a plurality of optical fibers as a tape, and a plurality of position limiting portions (adhesive disposed in between adjacent optical fibers are inherently position limiting portions) limiting the positions of said plurality of optical fibers wherein the pitch of arrangement of said position limiting portions at one end portion of said flexible film is different from the pitch of arrangement of said plurality of position limiting portions at the other end portion of said flexible film.

11. Shahid does not disclose the flexible film further comprising an adhesive layer, said optical fibers compression bonded to said flexible film, and the adhesive layer interposed between said optical fibers and said flexible film. See Figure 5 and column 9, lines 58 through column 10, line 44.

12. Lee et al. discloses a film 74 for a tape core assembly comprising an adhesive layer 72, said optical fibers compression bonded to said flexible film, and the adhesive layer interposed between said optical fibers and said flexible film.

13. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide an adhesive layer, said optical fibers compression bonded to said flexible film, and the adhesive layer interposed between said optical fibers and said flexible film in the film of Shahid in order to effectively seal the lateral edges of the optical fiber ribbon from environmental contamination as taught by Lee et al. (column 11, lines 3-13)

14. **Claims 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Shahid.**

15. Regarding claims 9-14, Lee et al. does not expressly disclose the ribbon-like optical fiber core assembly connected with a connector or fiber array. However, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to provide a connector or fiber array for further transmission to remote devices in a communications network.

Resultantly, the ribbon-like optical fiber core assembly would be optically wired to the connector or fiber array.

Response to Arguments

16. Applicant's arguments with respect to claims 1-5 and 7-14 have been considered but are moot in view of the new ground(s) of rejection.

17. It is further noted that '130 Lee et al. discloses at column 3, lines 19-44, compression bonding. Additionally, it is noted that an adhesive tape inherently is made up of a film base and a adhesive applied to the film base. Therefore, Lee et al. also discloses the claimed film further comprising an adhesive layer interposed between the optical fibers and the film.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah Song/
Sarah Song
Primary Examiner
Art Unit 2874